



# How to Prepare for a Protection Order Hearing Frequently Asked Questions

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*This brochure only provides you with some general information regarding the protection order hearing.  
Contact an attorney for legal advice and more complete information.*

*For persons with disabilities, this brochure will be made available in other formats upon request.  
Call the Office of the State Court Administrator, 402-471-3730.*

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## Why do I need to go to court?

*When a judge decides that the petition for a protection order should be granted based on the contents of the petition, the judge may sign an ex parte order. If this is the case, the respondent has the opportunity to request a hearing, to provide an opportunity to say why the protection order should be denied. The judge will schedule a hearing for this to happen. The judge may also sign a show cause order, requiring a hearing on the petition and affidavit submitted. If you received an ex parte domestic abuse protection order, you also have an opportunity to request the court to have a hearing.*

## How will I know when the hearing is?

*Once a hearing date has been scheduled, the date and time will be provided to both parties. You will be contacted by the court staff when a date and time for the hearing has been set. In some circumstances the date and time of the hearing may be mailed to you so it is important to let the court know of any change in your mailing address so that you can receive the notice.*

## What do I need to take to the hearing?

*Prior to the hearing you should gather as much information and documentation related to the events described in the original application for the protection order. This may include photos, phone records, email, and/or witnesses who can testify to these events.*

## What do I need to do when I arrive for the hearing?

*You can contact the Clerk of the District Court to find out if you need to notify the judge's staff that you have arrived on the day of the hearing. You can find the contact information at <http://www.supremecourt.ne.gov/district-court/dist-clerks-addr.shtml>.*

*If you are currently working with a victim advocate, the advocate may also be able to provide this information to you.*

## I am concerned for my safety during the hearing.

*If you have concerns regarding your safety at the hearing, you or the advocate should contact the Clerk of the Court or a deputy sheriff in the courthouse and let them know of your concerns.*

## What do I wear to court?

*You should dress appropriately for the hearing. While it is not necessary to wear a dress or suit to court, you should avoid wearing extremely casual clothing such as shorts, t-shirts or clothes which contain obscene or controversial writing or graphics.*

## **Who are all of these people in the courtroom?**

*A number of people may be in the courtroom at the time of your protection order hearing. In addition to the judge, others may be at the hearing, including the court reporter, sheriff's deputy, attorneys, the other party, a victim advocate and you. Some courts will hold several hearings during a set period of time, so the individuals involved in those cases may also be in the courtroom.*

## **How do I tell the judge what happened?**

*When a judge is presented with a case, like a protection order, they need as much information as possible to make a decision. This information is provided by you when you testify or present an affidavit to the judge. It is important that you attend the hearing so that you can provide the judge all of the information that is available and necessary to either issue a final protection order or to dismiss the case.*

## **What will happen at the hearing?**

*The process for the hearing may change depending on whether any attorneys are present at the hearing. If you are represented by an attorney you should talk with your attorney prior to the hearing. Your attorney should describe the hearing process. In some cases, even if an attorney is present, the judge may not allow the attorney to ask the parties questions during the hearing. Each side will be given an opportunity to testify in court, or in other words to explain to the judge why a protection order should or should not be granted.*

## **Do I need to be sworn in?**

*Yes, when testifying to the court you should be sworn in. This means that the judge or bailiff should ask you to raise your hand and affirm or swear that you will tell the truth about the case. If you are not sworn in, you should ask the judge to swear you in. An example may be to say "Your Honor, may I please be sworn in at this time?"*

## **What happens after I am sworn in?**

*The judge, or an attorney if allowed, may ask you to describe the events included in the original application for a protection order. It is important that you describe the events with as much detail as possible. When describing the events in the protection order, you should also tell the judge how the events made you feel or affected you. For example, if something happened that caused you to be fearful, you should tell the judge what happened, that it caused you to be scared and how that affected your life if it did.*

## **Will the judge consider anything other than my testimony?**

*Yes, if you have photographs or other evidence, including the original application for the protection order, and you want the judge to consider this evidence when making a decision, you will need to ask the judge to consider them as evidence. For example, you may say to the judge "Your Honor, I would like to have my Petition and Affidavit marked and entered as evidence." If you have an attorney with you, the attorney can make certain that evidence is given to the judge. The judge will likely ask the other person if there are any issues or concerns, called objections, with your request. The judge will then decide whether to accept the item as evidence. You should go through this process for each item of evidence.*

## **What do I do about the messages on my phone?**

*If your evidence includes text messages on your phone, you should not expect to hand the judge your cell phone and ask the judge to consider the messages as evidence. Instead, you*

*will need to take photographs of the messages or have a printout of the messages, including the date and time it was sent, and ask the judge to consider this instead.*

### **Will I get my evidence back?**

*Items entered as evidence will probably not be returned to you.*

### **What happens after the hearing?**

*After both parties have had an opportunity to speak, the judge has several options. The judge may sign a final protection order, dismiss the protection order, or decide to think about it and make a decision later.*

### **Other facts:**

- You can get a protection order even if you are not a U.S. citizen.
- You are free to change your mind and ask the court to dismiss the protection order. However, the judge decides whether it will be dismissed to make sure that you were not forced to change your mind. Until the judge dismisses the order it is still valid.
- If you do not speak English, ask for a court interpreter before any hearing. You may wish to bring an adult who is bilingual to assist with interpretation outside of the hearing. The court can supply an interpreter only for hearings, not to help you fill out the forms.
- You are not required to have a lawyer but having one may be a good idea. If the other party has a lawyer and you do not, you may be at a disadvantage.
- Many courts have rules prohibiting cell phones in the court house. You should not take your cell phone with you to the hearing. If for some reason you are unable to leave your phone behind, you must have the phone turned off while at the courthouse.